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Attorneys for Defendant  
North American Title Insurance Company

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CHRISTIANA TRUST, A DIVISION OF  
WILMINGTON SAVINGS FUND  
SOCIETY, FSB, NOT IN ITS INDIVIDUAL  
CAPACITY BUT AS TRUSTEE OF ARLP  
TRUST 3,

Plaintiff,

vs.

NORTH AMERICAN TITLE INSURANCE  
COMPANY,

Defendant.

Case No.: 2:19-cv-01782-APG-BNW

**STIPULATION AND PROPOSED  
ORDER TO STAY CASE PENDING  
APPEAL**

Plaintiff Christiana Trust, a Division of Wilmington Savings Fund Society, FSB, not in its Individual Capacity but as Trustee of ARLP Trust 3 (“Christiana Trust”) and defendant North American Title Insurance Company (“North American”) (collectively, the “Parties”), by and through their counsel of record, hereby stipulate and agree as follows, subject to the approval of the District Court:

**WHEREAS**, Christiana Trust filed this action on October 14, 2019;

**WHEREAS**, Christiana Trust served the complaint upon North American on January 6, 2020;

**WHEREAS**, North American’s current deadline to respond to the Complaint is February 11, 2020;

1           **WHEREAS**, there are now currently pending in the United States District Court for the  
2 District of Nevada more than three dozen actions between national banks, on the one hand, and  
3 their title insurers, on the other hand (the “Actions”);

4           **WHEREAS**, each of the Actions involves a title insurance coverage dispute wherein the  
5 national bank contends, and the title insurer disputes, that a title insurance claim involving an HOA  
6 assessment lien and subsequent sale was covered by a policy of title insurance;

7           **WHEREAS**, in virtually all of these Actions, the title insurer underwrote an ALTA 1992  
8 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 Endorsement  
9 and either the CLTA 115.1/ALTA 4 Endorsement or the CLTA 115.2/ALTA 5 Endorsement (the  
10 “Form Policy”);

11           **WHEREAS**, each of the Actions implicates common questions of interpretation of the  
12 Form Policy;

13           **WHEREAS**, the national bank in one of these actions has now appealed a judgment of  
14 dismissal to the Ninth Circuit Court of Appeals, *Wells Fargo Bank, N.A. v. Fidelity National Title*  
15 *Ins. Co.*, Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-WGC)  
16 (the “*Wells Fargo II Appeal*”);

17           **WHEREAS**, the Parties anticipate that the Ninth Circuit Court of Appeals’ decision in the  
18 *Wells Fargo II Appeal* will likely touch upon issues regarding the interpretation of the Form  
19 Policy and the reasonableness of the insurer’s denial, that could potentially affect the disposition  
20 of the other Actions, including the instant action;

21           **WHEREAS** both of the Parties agree that it is appropriate and desirous to stay the instant  
22 action pending the disposition of the *Wells Fargo II Appeal*, that a stay of the instant action will  
23 not prejudice either of the Parties, and that a stay of the instant action will best serve the interests  
24 of judicial economy (given the possibility that the Ninth Circuit Court of Appeals’ decision on the  
25 *Wells Fargo II Appeal* might affect the disposition of this case);

26           **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby  
27 stipulate and agree as follows:

1. The instant action shall immediately be **STAYED**, pending the disposition of the



1 *Wells Fargo II* Appeal.

2 2. Defendants' deadline to respond to the Complaint is hereby **VACATED**.

3 3. By entering into this stipulation, Defendants do not intend to waive, and expressly  
4 reserve, any and all defenses listed in Fed. R. Civ. P. 12(b).

5 4. By entering into this stipulation, none of the Parties is waiving its right to  
6 subsequently move the Court for an order lifting the stay in this action.

7  
8 Dated this 30<sup>th</sup> day of January 2020

EARLY SULLIVAN WRIGHT  
GIZER & McRAE LLP

9 */s/--Sophia S. Lau*

10 By: \_\_\_\_\_  
Sophia S. Lau, Esq.  
11 Nevada Bar No. 13365  
8716 Spanish Ridge Avenue, Suite 105  
12 Las Vegas, Nevada 89148

13 Attorneys for Defendant North American Title  
14 Insurance Company

15 Dated this 30<sup>th</sup> day of January 2020

WRIGHT, FINLAY & ZAK, LLP

16 */s/--Lindsay D. Robbins*

17 By: \_\_\_\_\_  
Lindsay D. Robbins, Esq.  
18 Nevada Bar No. 13474  
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19 Las Vegas, NV 89117

20 Attorneys for Christiana Trust, a Division of  
Wilmington Savings Fund Society, FSB, not in its  
21 Individual Capacity but as Trustee of ARLP Trust 3

22 **ORDER**

23 **IT IS SO ORDERED:**

24  
25 Dated: January 31, 2020 \_\_\_\_\_

26 By:  \_\_\_\_\_  
THE HON. ANDREW P. GORDON  
27 UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of EARLY SULLIVAN WRIGHT GIZER & McRAE, LLP and that on January 30, 2020, the foregoing **STIPULATION AND PROPOSED ORDER TO STAY CASE PENDING APPEAL** was served on all parties and counsel identified on the CM/ECF System via Electronic Notification, including on the following counsel:

Lindsay Robbins  
WRIGHT FINLAY & ZAK, LLP  
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Las Vegas, NV 89117

/s/-D'Metria Bolden  
D'METRIA BOLDEN